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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,276	04/22/1999	ROLF SCHUMACHER	225/47721	8165

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 03/31/2003

30

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/296,276

Applicant(s)

SCHUMACHER, ROLF

Examiner

EDMUND H LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/14/03 has been entered.

2. Claims 28-36 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims introduce new matter into the disclosure. The added material which is not supported by the original disclosure is as follows:

a) the phrase "fitting the decorative part to the second part of the mold" (cl 36, ln 16) lacks support in the instant specification. The scope of the word "fitting" is broader than what the instant specification supports. The instant specification discloses pushing the decorative part in front of the cutting edge until it has arrived on the interior bottom surface of the injection mold. See page 9, lns 11-15. The term "fitting" is broader than pushing the part into the mold until it arrives at the bottom of the mold.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 56005747 in view of Kato et al (USPN 5225264). JP 56005747 teach the basic claimed process including manufacturing a covering or trim part with directly molded-on carrier (figs 1-3); placing a decor part into an at least two-part injection mold (figs 1-3); closing the mold, thereby moving a cutting edge provided on a first part of the mold past an inside wall area of a second part of the mold and thereby cutting the decorative part to a precise shape by shearing off an outer edge of the decorative part (figs 1-3); injecting an injection molding compound into the mold after cutting the decorative part, which upon curing permanently bonds to the decorative part (figs 1-3); opening the mold and removing the covering or trim part and mold-on carrier (figs 1-3)--as a note, such is inherent with the process in order to produce a product useable by consumers. JP 56005747 also teaches simultaneously cutting and fitting the decorative part to the second part of the mold. However, JP 56005747 does not teach using a veneer wood layer or sheet metal part. Kato et al teach injection molding a covering or trim part having a decor part comprised of wood veneer glued to a metal sheet which is glued to another wood veneer (blind veneer) (figs 1-9). JP 56005747 and Kato et al are combinable because they are analogous with respect to molding a decorative part. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a sheet of the decor part of Kato et al for the decor

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part of JP 56005747 in order to form a diverse product such as an automobile covering or trim part having a wood veneer appearance.

5. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 56005747 in view of Kato et al (USPN 5225264) as applied to claim 36 above. The above teachings of JP 56005747 in view of Kato et al are incorporated hereinafter. JP 56005747 does not teach the specific injection molding temperature and the specific mold temperature. In regard to the specific injection molding temperature, molding temperature is well-known in the molding art as an important molding parameter that is dependent on the molding material, preform material, and equipment. Further, the desired temperature would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Furthermore, the claimed temperature is generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to injection mold at the claimed temperature in order to effectively connect the decor part to the molding compound. In regard to the specific mold temperature, mold temperature is well-known in the molding art as important molding parameters and the desired temperature would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature is generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to set the injection mold of JP 56005747 at the claimed

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temperature in order to effectively mold a high quality injection molded covering or trim part.

6. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 56005747 in view of Kato et al (USPN 5225264) as applied to claim 36 above. The above teachings of JP 56005747 in view Kato et al are incorporated hereinafter. JP 56005747 does not teach placing a nonwoven coating saturated with phenol melamine resin and a layer of glue on the veneer wood layer; placing a layer of glue on the veneer wood layer; and placing a layer of blind veneer on the veneer wood layer. Kato et al teach injection molding a covering or trim part having a decor part comprised of wood veneer glued to a metal sheet which glued to another wood veneer (blind veneer) (figs 1-9). JP 56005747 and Kato et al are combinable because they are analogous with respect to molding a decorative part. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a sheet of the decor part of Kato et al for the decor part of JP 56005747 in order to form a diverse product such as an automobile covering or trim part having a wood veneer appearance. In regard to placing a nonwoven coating saturated with phenol melamine resin on the veneer wood layer, such is well-known in the molding art as a substitutable alternative for a metal layer. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the claimed nonwoven coating for the metal layer of JP 56005747 (modified) in order to reduce cost and further diversify the covering or trim part of JP 56005747.

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7. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 56005747 in view of Kato et al (USPN 5225264) as applied to claim 36 above and further in view of Conner (USPN 4369157). The above teachings of JP 56005747 and Kato et al are incorporated hereinafter. JP 56005747 does not teach using a decor part comprised of a sheet metal part; applying a coupling layer to the backside of the sheet metal part; and heating or activating the coupling layer with the injection molding compound. Conner teaches injection molding a covering having a decor part comprised of a sheet metal part with a coupling layer (adhesive layer) attached to a backside thereof; heating or activating the coupling layer with the injection molding material (col 5, lns 38-41; col 10, lns 1-35); using a reactive hot melt type adhesive or dry glue film (col 10, lns 1-35). JP 56005747 and Conner are combinable because they are analogous with respect to injection molding against a sheet preform to create a decorative article. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the decor part of Conner for the decor part of JP 56005747 in order to further diversify the covering or trim part of JP 56005747.

8. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 56005747 (USPN 5223201) in view of Kato et al (USPN 5225264) as applied to claim 36 above and further in view of Stickling (USPN 5525179). The above teachings of JP 56005747 and Kato et al are incorporated hereinafter. JP 56005747 does not teach embedding fastening elements in the injection molding compound. Stickling teaches injection molding a covering or trim part having embedded fastening elements therein

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(figs 5-7). JP 56005747 and Stickling are combinable because they are analogous with respect to injection molding covering or trim parts. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to embed fastening elements as taught by Stickling in the injection molding compound of JP 56005747 in order to securely attach fastening elements to the covering of JP 56005747.

9. Applicant's arguments filed 2/14/03 have been fully considered but they are not persuasive. Applicant argues that JP 56005747 does not teach fitting the part into to the second part of the mold because the part is not pushed via the cutting edge until it has arrived on an interior bottom surface of the injection mold. This argument is misplaced because the instant claimed invention does not require "[pushing the part] via the cutting edge until it has arrived on an interior bottom surface of the injection mold[.]" The term "fitting" found in instant claim 36 is defined by conventional usage because the instant disclosure has not defined the term to mean "pushing the part] via the cutting edge until it has arrived on an interior bottom surface of the injection mold."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAN H SILBAUGH can be reached on 703.308.3829. The fax phone numbers for the organization where this application or proceeding is assigned are

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703.305.7718 for regular communications and 703.305.3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.



EDMUND H LEE 3/24/03
Examiner
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EHL
March 24, 2003